

Hearing Date: November 17, 2010 at 10:00 a.m.

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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:	:	Chapter 11 Case No.
	:	
LEHMAN BROTHERS HOLDINGS INC., <u>et al.</u> ,	:	08-13555 (JMP)
	:	
Debtors.	:	(Jointly Administered)
	:	
-----	X	

**JOINDER OF OFFICIAL COMMITTEE OF UNSECURED
CREDITORS IN LEHMAN BROTHERS HOLDINGS INC.'S
RESPONSE TO MOTION OF LAWRENCE FOGARAZZO,
ET AL. PURSUANT TO SECTION 362 OF THE BANKRUPTCY
CODE FOR RELIEF FROM THE AUTOMATIC STAY TO ALLOW
ADVANCEMENT UNDER INSURANCE POLICY BY LLOYD'S OF LONDON**

The Official Committee of Unsecured Creditors (the "Committee") of
Lehman Brothers Holdings Inc. and each of its affiliated debtors in possession (collectively,
the "Debtors") hereby joins in the Debtors' objection, dated on November 10, 2010 (the
"Objection") [Docket No. 12660], to the motion (the "Motion") [Docket No. 10279] of
Lawrence Fogarazzo *et al.* (collectively, the "Movants") pursuant to Section 362 of the
Bankruptcy Code for relief from the automatic stay to allow advancements under the
insurance policy issued by the Lloyd's of London (the "Policy"), and respectfully states as
follows:

JOINDER

1. The Committee joins in the Objection for all the reasons set forth therein, including, without limitation, that (i) the Policy was cancelled in 2004 and, thus, granting the relief requested in the Motion is patently futile; (ii) none of the Debtors is a party to the District Court Action (as such term is defined in the Objection); and (iii) the Movants have not filed any proofs of claim against any of the Debtors.

2. Furthermore, the Movants failed to demonstrate that the requisite cause exists to lift the automatic stay under the factors enunciated by the Second Circuit in In re Sonnax Indus., Inc., 907 F.2d 1280 (2d Cir. 1990). In fact, the Movants have not even attempted to allege that any of the Sonnax factors weigh in their favor, relying instead solely on the unsupported allegations that the Policy is not property of the Debtors' estate. These conclusory statements fall far short of meeting the Movants' burden to demonstrate the cause required to lift the automatic stay under section 362(d) of the Bankruptcy Code.

WHEREFORE, the Committee respectfully requests that the Court

(i) deny the Motion; and (ii) grant such other relief as is just.

Dated: New York, New York
November 15, 2010

MILBANK, TWEED, HADLEY & M^cCLOY LLP

By: /s/ Dennis F. Dunne

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